



POLICE DEPARTMENT

November 13, 2014

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Eloy Suarez
Tax Registry No. 932021
Police Service Area 4
Disciplinary Case No. 2011-5344

The above-named member of the Department appeared before me on August 21, 2014, charged with the following:

1. Said Police Officer Eloy Suarez, while assigned to Police Service Area 4, on or about February 1, 2010, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer requested assistance from another member of the service to prevent the processing and adjudication of a summons issued to said officer's personal vehicle.

P.G. 203-10, Page 1, Paragraph 5 PROHIBITED CONDUCT
GENERAL REGULATIONS

2. Said Police Officer Eloy Suarez, while assigned to Police Service Area 4, on or about July 14, 2011, did wrongfully and without just cause impede an official Department investigation, to wit: said Police Officer gave misleading answers during a Department interview when questioned about whether he ever requested assistance from another member of the service for traffic summonses issued to himself, friends or family members

P.G. 203-10, Page 1, Paragraph 2(D) PUBLIC CONTACT
PROHIBITED CONDUCT

The Department was represented by Michelle Alleyne, Esq., Department Advocate's Office, and Respondent was represented by John Tynan, Esq., Worth, Longworth & London, LLP. Respondent, through his counsel, entered a plea of Guilty to

the subject charges. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

The Respondent, having pleaded Guilty, is found Guilty as charged.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent, a 12-year member of the Department, has been assigned to Police Service Area 4 for ten years. He has never before been the subject of Department discipline. Around February 1, 2010, Respondent spoke to his union delegate, Police Officer [REDACTED], about quashing a summons that had been issued to his personal vehicle for having a license plate cover that was too dark. His daughter's godmother, Person A, was operating the vehicle at the time. Manning told Respondent that he would try to help. Respondent had no further conversation with Manning on the topic. Person A ended up paying the summons.

On July 14, 2011 Respondent was notified to appear at the Internal Affairs Bureau for an official Department interview. This was Respondent's first ever official Department interview. He was not told beforehand what the interview would be about. The interview turned out to be about the summons, but at the time of the interview he could not recall the incident. His interviewers neither showed him a copy of the summons to refresh his memory nor did they ask him specifically about a conversation with Manning. When asked in the interview whether he approached a delegate about a summons that had been issued to his personal vehicle, he replied negatively. When

informed that the summons had been for a license plate cover violation, Respondent indicated that he had no knowledge of such summons. He testified that it was not his intention to impede the investigation. It was not until talking with Person A weeks later that he remembered the incident. Respondent regularly received one or two summonses a year.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on July 22, 2002. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

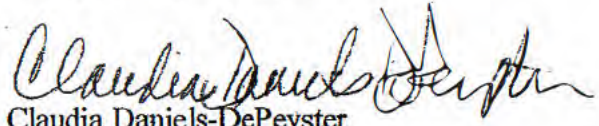
Respondent has pled Guilty to requesting assistance from another member of the service to prevent the processing and adjudication of a summons issued to his personal vehicle and giving misleading answers about the incident at his official Department interview. The Assistant Department Advocate recommended a penalty of 30 vacation days and one-year dismissal probation, citing *Case No. 2011-5901* (Mar. 13, 2012). In that case, a six-year police officer with no prior disciplinary record destroyed a summons he had issued to another member of the service for reckless driving and then falsely stated in his interview that he never saw the summons after dropping it in the box.

Respondent's misconduct in the current case is obviously less egregious than the misconduct in the above-cited case. In the current case, Respondent had one conversation with his delegate about fixing the summons; he did not destroy it.

Moreover, I believe when Respondent testified that he did not remember the incident at the time of his interview since the summons at issue had been received and paid by a third party nearly 18 months earlier. Thus, the Court finds mitigating circumstances here.

The standard penalty of 25 vacation days, five suspension days, and one-year dismissal probation is not called for in this summons case since there was only one summons involved. Based on the foregoing, it is recommended that Respondent forfeit 15 vacation days.

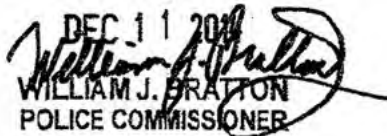
Respectfully submitted,



Claudia Daniels-DePeyster

Assistant Deputy Commissioner – Trials

APPROVED

DEC 11 2011

WILLIAM J. BRATTON
POLICE COMMISSIONER

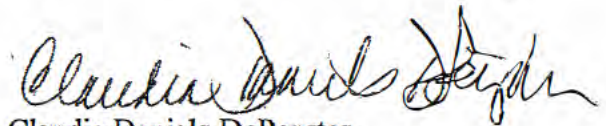
POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER ELOY SUAREZ
TAX REGISTRY NO. 932021
DISCIPLINARY CASE NO. 2011-5344

Respondent received an overall rating of 4.0 "Highly Competent" on his last three annual performance evaluations. [REDACTED]

On April 8, 2010, he was placed on Level I Performance Monitoring as a result of his negative performance evaluations. Respondent has no prior formal disciplinary record.

For your consideration.



Claudia Daniels-DePeyster
Assistant Deputy Commissioner – Trials